

February 25, 1976

SPEAKER: Chair recognizes Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the Legislature, I would like to place LB811 on the Floor and request that the Legislature bring it from the Labor Committee. It will be my priority bill if it comes to the floor. I think that I should probably apologize for the original draft of the bill which will be coming to the floor. What I will be asking for is the amended version that I have placed on everyone's desk, to place this amendment on the bill, if we get the bill to the floor, which has stripped out most of the problems that came forward in committee. In the original draft certainly too many references were made to written agreements and the bill would have been or would be a problem to many businesses as far as enforcement of the measure. I feel that in the amended version, which by simple amendment, would have been rather difficult to read and follow through the bill so I felt that a redraft was in order to be available to be offered if this comes to the floor. The purpose of 811 is to give enforcement collection procedures for employees where the employee has refused to pay, and basically many of these and most of these undisputed claims where the money is due the employer and have failed to claim. Now, I have placed a hand-out from the Labor Commissioners office on everyone's desk. I wish that you would follow this because this is the basic cause for the bill. In a period of 71-72 to 12-31-75 there were 1,030 claims presented to the Labor Commissioners office. Now, presently he can collect some of these with minimum wage law. But, much of it is uncollectable under the present law. Of that he collected 620 claims or calls and so forth brought forth collection on 620. In that period of reported complaints, 410 were not collected. Now, the Labor Commissioner felt that if there were tools in the law where there was a penalty clause for the person that was balking on payment, that he could have collected 90% or better of this other 400. This is his conjecture or projection. I feel that when a man has earned his salary, certainly it is wrong, it is morally wrong of our society to allow him to sit there unpaid and have to go and sue for that salary and possibly use most of that money that he earned in collecting that suit. I might go through the basic bill and what the intents are. Section one, in going through the first two pages, up to page three, is the definition of the act. Section two are definitions within the act. Going to page three in section three, it sets up pay periods. I would like to refer, because it sets up and projects a two week pay period for the state. Now, we ran into problems on this and the following subsection allows by agreement this pay period to go to 30 days. With a 30 day pay period before the employer and employee can agree then on a 15 day, following that 30 day period for a lawful pay day which takes it up to 45 days. Basically if it is agreed upon this situation before the Labor Commissioner would be coming in on the employer. I think that this is sufficient time for any employee, that is if agreed to a 30 day pay period and the pay day can follow it up to 15 days. The next section it follows up payment procedures and it is fairly detailed because in the bill we struck out the ability for the labor commissioner to make rules and regulations. I very quickly agreed to this because I think that rules and regs and giving them the enforcement of law are wrong. If we do this I think